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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE LUIS BELTRAN,

Defendant and Appellant.

B271692

(Los Angeles County
Super. Ct. No. MA055346)

B271105

(Los Angeles County
Super Ct. No. MA062765)

APPEALS from orders of the Superior Court of Los Angeles County,
Christopher G. Estes, Judge. Affirmed.

Richard L. Fitzer, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

After waiving his right to a preliminary hearing, Jose Luis Beltran pleaded no contest on March 1, 2012 to amended count 2, felony grand theft of a person (Pen. Code, § 487, subd. (c)). Pursuant to a negotiated agreement, imposition of sentence was suspended; and Beltran was placed on three years of probation on condition he serve 60 days in county jail, with credit for time served. The trial court dismissed count 1, robbery, on the People's motion. (Case no. MA055346)¹

On July 14, 2014, a jury convicted Beltran of robbery (Pen. Code, § 211) and violating a domestic violence protective order (Pen. Code, § 273.6, subd. (a)) on April 20, 2014. On August 14, 2014, the trial court sentenced Beltran to the upper term of five years for robbery and a concurrent term of one year term for violating a domestic violence protective order. (Case no. MA062765)² The court also sentenced Beltran to a consecutive eight-month term for violating probation in his 2012 case.

In February 2016, Beltran filed separate petitions seeking to reduce his convictions for grand theft and robbery to misdemeanors under Proposition 47, the Safe Neighborhood and Schools Act (Pen Code, § 1170.18). The trial court granted the petition to reduce his grand theft offense to a misdemeanor and reimposed the eight-month sentence. The court denied the petition to reduce his robbery offense after finding the conviction did not qualify for resentencing to a misdemeanor under Proposition 47.

Beltran filed timely notices of appeal from the orders. We appointed counsel to represent Beltran on the appeals, which we consider concurrently. While the appeals were pending, the trial court responded to appellate counsel's request and reduced Beltran's sentence for misdemeanor grand theft from eight months to six months.

After examination of the record, appellate counsel filed opening briefs in both appeals in which no issues were raised. On October 18, 2016, we advised Beltran he had 30 days within which to personally submit any

1 All case numbers refer to Los Angeles Superior Court cases.

2 Beltran appealed, and this court reversed the judgment in part, remanded the matter for further proceedings and otherwise affirmed the judgment. (*People v. Beltran* (Dec. 22, 2015, B258269) [nonpub. opn.])

contentions or issues he wished us to consider. We have received no response.

We have examined the record and are satisfied Beltran's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.) The trial court properly resentenced Beltran to a six-month term for misdemeanor grand theft and also properly determined that robbery is not one of the theft offenses for which a defendant may seek reclassification or resentencing pursuant to Penal Code section 1170.18, subdivision (a).

DISPOSITION

The orders are affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

KEENY, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.